

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONER'S FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma

DATE & TIME: Monday, October 19, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:02 A.M.

ITEM 2: ROLL CALL TO ESTABLISH QUORUM:

Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were present and quorum established.

ITEM 3: FLAG SALUTE:

Commissioner DeLozier led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:

Commissioner Thacker said a prayer.

ITEM 5: APPROVAL OF MINUTES: October 12, 2009

Commissioner Thacker made a motion to approve the minutes from October 12, 2009, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

\*\*\*NOTE\*\*\*The Board entered Executive Session at 9:08 A.M.\*\*\*

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #523 – Bridge Piles for District #2

Allen Carter, District #2 road foreman, reported to the Board that a weight scale had been done on the bids and consideration was taken of pre-bid attendance, bid price, start date and cooperation of the contractor recommended accepting the low bid of K & R Builders, Inc., from Wheatland, Oklahoma, in the amount of \$47,000.00.

Chairman Helm made a motion to accept the low bid of K & R Builders, Inc., in the amount of \$47,000.00 with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 7: ZONING:

1. Discussion with possible action to accept resignation of Mike Rourke from the Rogers County Planning Commission Board due to family matters –

Chairman Helm made a motion to accept the resignation of Mike Rourke from the Rogers County Planning Commission Board with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried \*\*\*NOTE\*\*\*Chairman Helm explained that Mr. Rourke had not submitted his resignation in writing as of yet\*\*\*

2. Discussion with possible action to approve/disapprove Appointment of Arlin Van Curen to the Rogers County Planning Commission Board –

Chairman Helm explained that Mr. Van Curen was to replace Mr. Rourke on the Rogers County Planning Commission Board to finish out his term until October 30, 2010. Mr. Van Curen is an architect in design not only for storm-water, but landscaping as well. He will be instructional integrity to the Planning Commission Board because of him being an architect.

Chairman Helm made a motion to approve the appointment of Arlin Van Curen to the Rogers County Planning Commission Board to finish out Mike Rourke's term to expire on October 30, 2010, with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action to approve/disapprove Appointment of Darin Lauer to the Rogers County Board of Adjustment for a 3 year term from October 30, 2009 thru October 30, 2012 –

Commissioner Thacker reported that Mr. Lauer is an asset to the Rogers County Board of Adjustment and made a motion to approve his appointment for a 3-year term from October 30, 2009 thru October 30, 2012, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action on Approval/Disapproval of Bridge Application Forms through Emergency and Transportation Revolving Fund Program as follows:

a. Bridge: NBI #08242; Location #102; Project Cost Estimate: \$200,000; replace existing bridge No. 102 over Honey Creek with a precast concrete bridge located on Keetonville Road 3.0 miles south of State Highway 20 in District #2 –

b. Roadway Project proposed improvement asphalt overlay of Keetonville Road; project cost estimate \$200,000; proposed project 2.0 miles long from State Highway 20 to county road EW/540 in District #2 –

c. Roadway Project proposed improvement asphalt overlay of Gregory School Road; project cost estimate \$550,000; asphalt overlay of Gregory Road (NS/417) from U.S. Highway 412 north to county road EW/550; thence East to county road NS/4160 thence; North to Comaran Lane (EW/540); thence east to State Highway 88; proposed project 6.25 mile long 2" asphalt overlay of Gregory School Road in District #3 –

Chairman Helm made a motion to approve the bridge application forms through Emergency and Transportation Revolving Fund Program as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:  
None presented.

ITEM 11: TRANSFER OF FUNDS:

1. District #2 Unrestricted Highway salaries to M&O - \$15,000.00

Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.
3. Alternatives to Detention/Transportation Claim from State of Oklahoma, Office of Juvenile Affairs for September 2009 in the amount of \$2817.00 –

Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

District #1: Everett Terry, \$200.00 – Commissioner DeLozier made a motion to approve the blanket purchase order as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. DISCUSSION WITH POSSIBLE ACTION TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE EMPLOYMENT, HIRING AND APPOINTMENT OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE, AS AUTHORIZED BY TITLE 25 O.S. § 307(1), TO WIT: Interview and evaluate applicants for purpose of making conditional offer of Employment for the position of Administrative Assistant to the County Commissioner's –

Commissioner DeLozier made a motion to enter Executive Session and adjourn Regular Session with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session with Peggy Armstrong, Rogers County Clerk and applicant Christine Willhoite Day at 9:04 A.M.

2. MOTION AND VOTE TO ADJOURN EXECUTIVE SESSION AND ENTER REGULAR SESSION –

Commissioner DeLozier made a motion to adjourn Executive Session and enter Regular Session with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 9:08 A.M.

3. DISCUSSION AND POSSIBLE ACTION WITH RESPECT TO THE EMPLOYMENT, HIRING, APPOINTMENT, INTERVIEWS AND EVALUATION OF APPLICANTS FOR THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE COUNTY COMMISSIONER'S AS DISCUSSED DURING EXECUTIVE SESSION –

Commissioner Thacker made a motion to hire Christine Willhoite Day as Administrative Assistant to the County Commissioner's with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on Approval/Disapproval of Lease Purchase Agreement for Equipment by and between the Board of County Commissioners of Rogers County, Oklahoma, Lessee and BoxCer Construction Equipment Company, designated as Lessor through Welch State Bank on 2005 Gradall XL3100 Hydraulic Excavator, sn#0210017702 for a total purchase price of \$155,000 for District #2 – (Bid #522)

Sherry Mount, Vice-President of Welch State Bank presented the agreements to the Board for their approval. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on Approval of Independent Contractor Agreement by and between Nathan Parks, dba W Tech and the Board of County Commissioners on behalf of the Rogers County Sheriff's Office – (\*\*NOTE\*\*this item was tabled from October 12, 2009, meeting\*\*)

Sheriff Scott Walton reported that Assistant District Attorney, Barry Farbro, and he had a conversation about this agreement and Nathan (Parks) is the owner of W Tech and Farbro recommended Nathan to meet with Brett Williston, the county's I.T. person. Brett was going to obtain additional information from Nathan in order to be able to discuss the contract with the Commissioner's. Sheriff Walton continued to explain how Nathan Parks came into the picture. Don Bowman, maintenance person from the Sheriff's office retired and we did not replace him. He wanted Nathan to be a project manager/I.T. and \$4100 per month accumulative is probably the best money savings I've ever had, compared to what I would be paying for an I.T. person, maintenance person, etc. Nathan did research on our new phone system and we got better equipment and a savings of \$400 per month on our phone bill. We are not paying Nathan any benefits and we don't provide him with office space.

Assistant District Attorney, Barry Farbro, commented that Brett Williston is scheduled to meet with Nathan Parks, just to make sure what Nathan is doing at the jail is consistent with what Brett covers here are the courthouse and county officers and the services he will be providing is worth the cost of the contract will be, not just for one month, but over the term of the contract. Once Brett meets with Nathan, Sheriff Walton and I will talk again to make sure that he is a true independent contractor who sets his own hours and will come on as-needed basis and won't be an employee of Rogers County.

Commissioner DeLozier made a motion to strike this item from the agenda and have it re-submitted at a later date with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on NESHAPS Pre-Renovation Asbestos Inspection of the Rogers County Courthouse by Robert Dean Swain, Oklahoma Department of Labor Licensed Management Planner of Environmental Hazard Control, Inc., 6539 East 31<sup>st</sup> Street, Suite 33, Tulsa, OK 74145 – dated October 5, 2009 –

Commissioner Thacker reported that he had previously provided Commissioner's Helm and DeLozier with a copy of the report and made a motion to acknowledge for public record with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Approval/Disapproval of County Officers and/or employees to attend OK-FIRE training sessions –

Bob Anderson, Emergency Management Director, reported that in 2008 state legislation passed which gave authority to the Board of County Commissioners to institute and rescind burn bans in their county. The issue of burn bans relates directly to the topic of fire danger, which is one of the major areas addressed by OK-FIRE, a weather-based system for wildland fire management which OSU in conjunction with the Oklahoma Mesonet have developed over the past four years. Anderson recommended having the road foreman's attend the training session.

Vernon Scogin, OSU Director, reported that OK-FIRE is a weather-based decision-support system for wildland fire managers in Oklahoma, which the applications include both wildfire and prescribed fire. The program has been developed over the past four years by Oklahoma State University in conjunction with the University of Oklahoma and the Oklahoma Mesonet, the state's automated weather station network. OK-FIRE has a three-fold focus: (1) an extensive suite of recent, current, and forecast products for fire weather, fire danger and smoke dispersion; (2) a dedicated web site and regional training and customer support. The 120-station Oklahoma Mesonet is used for current and recent conditions, while an 84-hour forecast model (NAM) of the National Weather service is used for forecast conditions. Products are available in map, graph and table format. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Acknowledgement for public record Notification for Review of Road Classification Plans for the proposed Hazardous Waste Management Facility – LaFarge Cement Plant, Tulsa, Oklahoma –

Acknowledged for public record only, no action taken.

9. Discussion with possible action on Approval of County Officers Monthly Reports for September 2009 –

Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

10. Set Regular Scheduled Meeting Dates for 2010 for the Board of County Commissioner's –

Commissioner DeLozier made a motion to approve the regular scheduled meeting dates for 2010 to be held every Monday, except holidays, then the meeting is scheduled for Tuesday, at the Rogers County Courthouse, Commissioner's Meeting Room 1-109, 219 South Missouri, Claremore, Oklahoma, at 9:00 o'clock A.M. with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

11. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$2652.36 and \$1877.96 into the one-cent sales tax fund for

distribution for District #3 – \*\*\*see Item #14\*\*\*

12. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from the Sheriff's Office for fuel reimbursement in the amount of \$36.10 into the one-cent sales tax fund for distribution for District #2 –\*\*\*see Item #14\*\*\*

13. Discussion with possible action on Approval/Disapproval of Resolution #2009-84 and Reimbursement form directing County Treasurer to deposit funds from Town of Oologah and Oologah Municipal Authority in the amounts of \$754.34 and \$62.12 into the one-cent sales tax fund for distribution for District #2 –\*\*\*see Item #14\*\*\*

14. Discussion with possible action on Approval/Disapproval of Resolution #2009-85 and Reimbursement form directing County Treasurer to deposit funds from Town of Talala in the amount of \$316.57 into the one-cent sales tax fund for distribution for District #2 –

Chairman Helm made a motion to approve Items 11, 12, 13 & 14 under Agenda Items as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 16: PUBLIC COMMENTS AND RESPONSES FROM BOARD MEMBERS: Limited to specific items on the Agenda that are listed and discussed at this meeting and limited in duration at the discretion of the Chairman -

ITEM 17: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:  
(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*NOTE\*\*\*see attached list of all claims that were approved for payment on Monday, October 19, 2009\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 18: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not known about or which could not have been reasonably foreseen prior to posting the agenda – None presented that required Board action.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting adjourned at 10:28 A.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Peggy Armstrong, Rogers County Clerk

(SEAL)

*Notice of said meeting was filed in the Office of the County Clerk on Thursday, October 15, 2009, at 2:26 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and Front Door Entrances to the Courthouse; on the wheelchair ramp door; and on the county web site.*